

## MONTROSE SCHOOL DISTRICT 43-2 OPEN ENROLLMENT POLICY

The parent or legal guardian of a South Dakota kindergarten through twelfth grade student resides in another school district and who wishes to enroll their student the Montrose School District must apply to open enroll in the Montrose School District.

### General Guidelines:

1. All requests for open enrollment to a nonresident district must be submitted to the Superintendent of Schools on the official application form provided by the South Dakota Department of Education.
2. Nonresident student open enrollment applications to attend school within the Montrose School District will be reviewed by acting on applications in the order in which they are received.
3. A return of a resident student who open enrolled out of the Montrose School District will be addressed pursuant to the provisions SDCL 13-28-40 to 13-28-47.1c.
4. The Superintendent of Schools shall either approve or deny the application for open enrollment. The decision of the Superintendent of Schools regarding a student's application for open enrollment or a request to return to the resident district may be appealed. Appeal of a decision by the Superintendent may be directed to the School Board. The decision of the School Board regarding a student's application for open enrollment or a request to return to the resident district is subject to appeal to circuit court pursuant to SDCL 13-46.
5. Decision to accept or reject open enrollment applications will be based on the criteria listed under "Open Enrollment Application Standards" in this policy. The applicant and the resident school board will be notified within five days of the decision.
6. An application may be withdrawn by the applicant prior to the approval of the request and upon written notification to the Superintendent of the Montrose School District.
7. Once approved by the Montrose School District, the approved application serves as the applicant's notice of intent to enroll in the Montrose School District and obligates the student to attend the nonresident district during the school year, unless the affected school board or boards or the board's designee agree in writing to allow the student to transfer back to the resident district or assigned school, or unless the parents, guardians, or emancipated student change residence to another district.
8. Once enrolled under open enrollment in the Montrose School District, the student may remain enrolled and is not required to resubmit annual applications.

9. The parent or legal guardian of a student who has been accepted for transfer under open enrollment is responsible for transporting the student to and from school without reimbursement.
10. A copy of this policy will be personally given to or mailed to parents and guardians who submit an open enrollment application and to any person upon request.

Open Enrollment Application Standards:

The following standards will be used to accept or reject applications for open enrollment:

1. Open enrollment requests will be granted on a space available basis at the time the request is considered. Class size, program capacity, grade level, and building capacity restrictions are necessary in order to allow room in schools for students who move into the assigned school attendance area. The approval of an open enrollment request may not result in exceeding the average student to teacher ratio, program capacity, or building capacity criteria listed below. The ratios listed for grade level student to teacher ratios are for open enrollment purposes only. Actual class sizes may be above these ratios because of students living in the school attendance area.
  - Kindergarten through grades five: The student to teacher ratio shall not exceed 28 students in grade level as a result of open enrollment.
  - Grade six through grade eight: The student to teacher ratio for core classes may not exceed 30 students as a result of open enrollment.
  - Grade nine through grade twelve: Enrollment may not exceed building capacity.
  - An open enrollment transfer may not cause a building or program to exceed capacity, including special education programs.
  - Open enrollment of a special education student will not be approved if the students cannot be accommodated at current staffing levels or the program is at capacity.
2. If two or more students from the same family residing in the same household request open enrollment into the Montrose School District, all requests from that family must be either approved or denied and the Montrose School District shall not deny an application if doing so would result in children from the same household enrolling in different school districts. Except that if the Montrose School District cannot provide an appropriate education for a child in need of special education or special education and related services the District may deny that child's application for open enrollment.
3. Any student under long term suspension or expulsion may not be allowed to open enroll until the suspension or expulsion is completed.
4. The rules of the South Dakota High School Activities Association will govern eligibility for participation in activities.

### Open Enrollment of Special Education Students:

1. A request to transfer a student in need of special education or special education and related services may be granted only if, after a review of all relevant student education records and direct communication with the student's parent or guardian and representatives of the resident district, the Montrose School District determines that the district can provide an appropriate instructional program and facilities, including transportation if required as a related service, to meet the student's needs.
2. If the request to transfer is granted, the district is responsible for the provision of a free appropriate public education for the student in need of special education or special education and related services. If the student requires transportation as a related service, the district shall provide or ensure the provision of transportation within the boundaries of the Montrose School District.
3. If the Montrose School District special education administration is not able to confirm the provision of an appropriate instructional program, facilities, and transportation if necessary, based on the records review and communication with the student's parent or guardian and representatives of the resident district, the Montrose School District must initiate an individual education program team meeting consisting of representatives from the resident district and the Montrose School District to determine whether the Montrose School District can provide an appropriate instructional program, facilities, and transportation necessary.
4. A request to transfer a student in need of special education or special education and related services may be denied only pursuant to SDCL 13-28-44 or if an individual education program team consisting of representatives from the resident district and Montrose School District determine that the Montrose School District cannot provide an appropriate instructional program and facilities, including transportation, to meet the student's needs.
5. If a parent or guardian of a student in need of special education or special education and related services request to transfer the student back to the resident district, the affected school boards, or the boards' designees must agree in writing to allow the student to transfer back to the resident district or unless the parents, guardian, or emancipated student change residence to another district.
6. If two or more students from the same family residing in the same household request open enrollment and the Montrose School District determines it can provide an appropriate special education or special education and related services for one or more of the students and after consideration of the open enrollment standards, the applications shall be approved. However, if the Montrose School District cannot provide appropriate special education or special education and related service for one or more of the students in need of special education or

special education and related services, the Montrose School District may deny the application for open enrollment related to the special education student.

7. If it is determined that a parent or guardian of a student in need of special education or special education and related services submitted a request for an open enrollment transfer, but did not indicate on the application that the student has an IEP and needs special education services, approval by the Montrose School District of the open enrollment transfer application and any subsequent approval of that application will be deemed void.

Adoption date: December 12, 2005

Amended: August 13, 2007

Reviewed: July 11, 2022

Revised: November 13, 2023